
TITLE 327 WATER POLLUTION CONTROL DIVISION

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #23-79

READOPTED OF RULES IN TITLE 327 UNDER IC 13-14-9.5**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 327 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED:

327 IAC 3-2-1.5	Valid permit requirement
327 IAC 3-2-2	Application and filing procedures
327 IAC 3-2-2.5	Preventing conflict of interest
327 IAC 3-2-3.5	Conditions of approval
327 IAC 3-2-4	Exclusions
327 IAC 3-2-5.5	Nonsite-specific permit
327 IAC 3-2-6	Construction setback distances
327 IAC 3-6	Technical Standards for Sanitary Collection Systems
327 IAC 5-3.5	Streamlined Mercury Variance Requirements and Application Process
327 IAC 17-1	State Regulated Wetlands
327 IAC 17-4	Individual Permit for Wetland Activities in Class II and Class III State Regulated Wetlands

RULES TO EXPIRE:

327 IAC 17-2	General Permit for Minimal Impacts to State Regulated Wetlands
327 IAC 17-3	Permit for Impacts in Class I State Regulated Wetlands

AUTHORITY: IC 13-14-9.5.**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002, under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2024. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) consider readoption of that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:
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MaryAnn Stevens
Rules Development Section
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

(2) By electronic mail to mstevens@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

Contact Karla Kindrick at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than April 14, 2023.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Section, Office of Legal Counsel, mstevens@idem.in.gov, (317) 232-8635 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Section
Office of Legal Counsel

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